

Remarks/Arguments

Claims 1-3, 5-14, 16-24, 26-38 and 40 remain pending in the present application. Claims 1, 5, 12, 16, 23, 26 and 37 have been amended. Claims 4, 15, 25 and 39 have been canceled. No claims have been added. Applicant believes the claims currently in the case patentably distinguish over the cited art, and that this application is now in condition for allowance. Reconsideration of the rejection is, accordingly, respectfully requested in view of the above amendments and the following comments.

I. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1, 7, 10-12, 18, 21-23, 28, 31, 34, 36 and 37 under 35 U.S.C. § 102(a) as being anticipated by "Gannon University Norton Antivirus Configuration", December 1999.

By the present Amendment, however, independent claim 1 has been amended to incorporate the subject matter of canceled claim 4. Inasmuch as claim 4 was rejected as being unpatentable over "Gannon University Norton Antivirus Configuration" in view of "Windows NT server 4.0" under 35 U.S.C. § 103(a), the rejection of claim 1 based on 35 U.S.C. § 102(a) is now moot.

Claims 7, 10 and 11 depend from and further restrict amended claim 1, and are also not anticipated by "Gannon University Norton Antivirus Configuration", at least by virtue of their dependency.

Independent claims 12, 23 and 37 have been amended to incorporate the subject matter of canceled claims 15, 25 and 39, respectively, and the rejection of these claims as being anticipated by "Gannon University Norton Antivirus Configuration" is also moot for the same reasons as discussed above with respect to claim 1.

Claims 18, 21-22, 28 and 31 depend from and further restrict one of claims 12, 23 and 37 and are also not anticipated by "Gannon University Norton Antivirus Configuration", at least by virtue of their dependency.

Claims 34 and 36 depend from and further restrict independent claim 32. Although claim 32 is indicated as being rejected on the "Office Action Summary" sheet, the grounds for the rejection of the claim has not been specified in the body of the Office

Action, nor does the claim appear to be mentioned anywhere in the body of the Office Action. Accordingly, Applicant is unable to properly respond to the apparent rejection of claim 32, and respectfully requests the Examiner to provide clarification regarding the rejection of the claim, if, in fact it has been rejected, in the next Office Communication.

Inasmuch as claims 34 and 36 depend from and further restrict claim 32, Applicant is also unable to properly respond to the apparent rejection of those claims, as well.

Therefore, the rejection of claims 1, 7, 10-12, 18, 21-23, 28, 31, 34, 36 and 37 under 35 U.S.C. § 102(a) as being anticipated by "Gannon University Norton Antivirus Configuration" has been overcome.

II. 35 U.S.C. § 103, Obviousness

The Examiner has rejected claims 2-4, 6, 8-9, 13, 15, 17, 19-20, 24-25, 27, 29-30, and 38-39 under 35 U.S.C. § 103(a) as being unpatentable over "Gannon University Norton Antivirus Configuration" and "Windows NT server 4.0". This rejection is respectfully traversed.

As indicated above, dependent claims 4, 15, 25 and 39 have been canceled, and their subject matter incorporated into independent claims 1, 12, 23 and 37, respectively. In rejecting the claims, the Examiner initially states in reference to claim 1:

"Gannon University Norton Antivirus Configuration" discloses a method of updating security configurations of a plurality of servers, comprising:

- Changing security information in a centralized server, where the security information changed is the virus definition file which the user will download, and the centralized server is the site the antivirus program downloads the virus definition from. Gannon (page 1, figure in the middle, virus definitions dated 9/22/1999)
- Receiving an update command, where the update command is received through liveupdate to update the virus definition file. Gannon (page 3, figure at the top)
- Downloading the changed security information to the plurality of servers in response to receiving the update command, wherein the downloaded changed security information is used to update the security configurations of the plurality of servers, where the changed security information is the new virus definition file and is downloaded to a plurality of servers in response to receiving the update command. Gannon (page 5, item 5)

Office Action dated March 24, 2005, page 3.

In addition, in rejecting claim 4, the Examiner states:

"Gannon University Norton Antivirus Configuration" (page 1, figure 1, "using virus definitions dated 922/1999) and "Windows NT server 4.0" discloses the method of claim 1, wherein the security configurations of the plurality of servers are updated by updating security parameter lists associated with at least one of files and resources associated with each of the plurality of servers, where the security configuration is the configuration for virus files, where the plurality of servers are the multiple clients using Norton antivirus running on windows NT server, and the security parameters are virus definitions, and the security parameter list is the list of virus definitions contained inherently contained in the virus definition file.

Office Action dated March 24, 2005, page 7.

Claim 1 as amended herein is as follows:

1. A method of updating security configurations of a plurality of servers, comprising:
 - changing security information in a centralized server;
 - receiving an update command; and
 - downloading the changed security information to the plurality of servers in response to receiving the update command, wherein the downloaded changed security information is used to update the security configurations of the plurality of servers, and wherein the security configurations of the plurality of servers are updated by updating security parameter lists associated with at least one of files and resources associated with each of the plurality of servers.

A fundamental notion of patent law is the concept that invention lies in the new combination of old elements. Therefore, a rule that every invention could be rejected as obvious by merely locating each element of the invention in the prior art and combining the references to formulate an obviousness rejection is inconsistent with the very nature of "invention." Consequently, a rule exists that a combination of references made to establish a *prima facie* case of obviousness must be supported by some teaching, suggestion, or incentive contained in the prior art which would have led one of ordinary skill in the art to make the claimed invention.

The Examiner bears the burden of establishing a *prima facie* case of obviousness based on the prior art when rejecting claims under 35 U.S.C. § 103. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). The requirements for establishing a *prima facie* case of obviousness in view of a combination of references are set forth in detail in Section 2142 of the MPEP and include the requirements that the Examiner explain in detail why the combination of the teachings is proper, that the Examiner provide a clear and convincing line of reasoning as to why an artisan would have found the claimed invention obvious in light of the teachings of the references, and that the Examiner provide a showing that it is the prior art and not the Applicant's own disclosure that teaches the combination asserted by the Examiner.

Neither "Gannon University Norton Antivirus Configuration" (hereinafter "Gannon") nor "Windows NT server 4.0" (hereinafter "Windows NT") discloses or suggests "downloading the changed security information to the plurality of servers in response to receiving the update command, wherein the downloaded changed security information is used to update the security configurations of the plurality of servers, and wherein the security configurations of the plurality of servers are updated by updating security parameter lists associated with at least one of files and resources associated with each of the plurality of servers" (emphasis added) as currently recited in claim 1; and, accordingly, claim 1 is not unpatentable over Gannon in view of Windows NT.

Gannon is directed to the Norton antivirus, and describes, among other things, mechanisms for setting up Norton antivirus to scan and to update automatically, and to update for new viruses manually. In rejecting the claims, the Examiner apparently construes the security configurations being updated in claim 1 as being a virus definition file, and the "centralized server" recited in the claim as being the site from which the antivirus program is downloaded. Applicant submits, however, that even with such an interpretation of the language of claim 1, Gannon and Windows NT still fail to disclose or suggest "wherein the security configurations of the plurality of servers are updated by updating security parameter lists associated with at least one of files and resources associated with each of the plurality of servers" as recited in claim 1.

In particular, in Gannon, any updating of the Norton antivirus that may be performed does not include updating security parameter lists associated with at least one

of files and resources associated with each of the plurality of servers. The Examiner states that security parameters in Gannon are construed as being virus definitions in Gannon, and that the security parameter lists in the claim are construed as being "the list of virus definitions inherently contained in a virus definition file"

Initially, Applicant is unable to find any specific disclosure in Gannon specifically describing any "security parameter lists" that are updated. Furthermore, even if security parameter lists are, in some way, updated in Gannon, there is clearly no teaching or suggestion in the reference of "updating security parameter lists associated with at least one of files and resources associated with each of the plurality of servers".

Specifically, even if Gannon can be construed as teaching updating a list of virus definitions, such a list would not be "associated with at least one of files and resources associated with each of the plurality of servers" as required by claim 1. Applicant is not aware of any specific association between the Norton antivirus and any particular files or resources of servers for which a security configuration is to be updated. The Examiner has not identified any recitation in Gannon that contains such a disclosure, nor has Applicant been able to identify any such disclosure in Norton.

The secondary reference to Windows NT appears to have been cited primarily as disclosing that the Norton antivirus software is compatible with a computer running Windows NT. This reference also does not disclose "wherein the security configurations of the plurality of servers are updated by updating security parameter lists associated with at least one of files and resources associated with each of the plurality of servers"; and, therefore, does not supply the deficiencies in Gannon as described above.

For at least all the above reasons, neither Gannon nor Windows NT nor the combination of Gannon and Windows NT discloses or suggests the subject matter recited in claim 1, as amended herein, and the Examiner has not carried out his burden of establishing a *prima facie* case of obviousness in view of the references. Claim 1, accordingly, should be allowable in its present form, and it is respectfully requested that the Examiner so find.

Independent claim 12 has been amended to incorporate the subject matter of claim 15, independent claim 23 has been amended to incorporate the subject matter of claim 25, and independent claim 37 has been amended to incorporate the subject matter of claim

39. Each of these claims is also believed to patentably distinguish over Gannon in view of Windows NT for substantially the same reasons as discussed above with respect to claim 1.

Claims 2, 3 and 6-11 depend from and further restrict claim 1; claims 13, 14 and 17-22 depend from and further restrict claim 12; claims 24 and 27-31 depend from and further restrict claim 23; and claims 38 and 40 depend from and further restrict claim 37. These claims should also be allowable in their present form, at least by virtue of their dependency.

Therefore, the rejection of claims 2-4, 6, 8-9, 13, 15, 17, 19-20, 24-25, 27, 29-30, and 38-39 under 35 U.S.C. § 103 has been overcome.

III. Claim 32

Independent claim 32 reads as follows:

32. A method in a data processing system for updating access information for a plurality of servers, the method comprising:
collecting changes to access information at the data processing system to form modified access information; and
responsive to a policy, transferring the modified access information to the plurality of servers, wherein the modified access information is used to update the security configurations of the plurality of servers.

As indicated above, independent claim 32 has not been formally rejected in the body of the Office Action; and, as a result, Applicant is unable to properly respond to the apparent rejection of that claim. Applicant submits, however, that neither Gannon nor Windows NT discloses or suggests "responsive to a policy, transferring the modified access information to the plurality of servers, wherein the modified access information is used to update the security configurations of the plurality of servers" Gannon, at best, may disclose updating virus information, but does not disclose using modified access information to update the security configuration of a plurality of servers as recited in claim 32. Claim 32, accordingly, is neither anticipated by Gannon nor obvious over Gannon in view of Windows NT, and should also be allowable in its present form.

Claims 33-36 depend from and further restrict claim 32 and should also be allowable in their present form, at least by virtue of their dependency (In this regard, it appears that claims 33 and 35 have also not been formally rejected in the body of the Office Action).

IV. Objection to Claims

The Examiner has stated that claims 5, 16 and 26 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, independent claims 1, 12 and 23 have been rewritten to incorporate the subject matter of claims 5, 16 and 26, respectively, and should now be allowed.

Therefore, the objection to claims 5, 16 and 26 has been overcome.

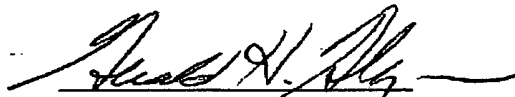
V. Conclusion

For all the above reasons, it is submitted that claims 1-3, 5-14, 16-24, 26-38 and 40 are allowable in their present form, and that this application is now in condition for allowance. It is, accordingly, respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: June 24, 2005

Respectfully submitted,



Gerald H. Glanzman
Reg. No. 25,035
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicant